IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CIVIL REVISION No.481 of 1990
Date of Decision : 18.07.2007

Ganga Ram .....Petitioner

versus

The State of Punjab and another .....Respondents

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA

Present: Mr.R.K.Battas, Advocate for the petitioner.

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JUDGMENT

HEMANT GUPTA, J. (Oral)

The present revision petition arises against the order passed by the Land Acquisition Collector, dated 12.10.1989, whereby an application filed by the petitioner under Section 28-A of the Land Acquisition Act, 1894, was declined as barred by limitation.

The petitioner moved an application under Section 28-A of the Land Acquisition Act, 1894 (as amended) (hereinafter referred to as the Act) on 2.9.1987 for redetermination of the amount of compensation. The reliance was placed on a judgment of this Court in R.F.A.No.296 of 1985, titled as “Prabandhak Mandir Mata Vaishno Devi versus State of Punjab”, decided on 1.4.1987. The said application was filed after the period of 3 months, the period prescribed for redetermination of amount of compensation in terms of Section 28-A of the Act.

There is no provision in the Act to condone the delay in filing of application under Section 28-A of the Act. Therefore, the order passed by the Collector cannot be said to be illegal in any manner.

Another fact, which requires to be noticed, is that the petitioner has in fact sought reference to the learned District Judge under Section 18 of the Act. The learned District Judge vide award dated 19.12.1984 enhanced the amount of compensation payable to the land owners including the petitioner herein. Therefore, the application for redetermination of the amount of compensation is not maintainable as held by the Hon'ble Supreme Court of India in ***"Union of India and another versus Pradeep Kumari and others, 2995 (2) S.C.C.-736."*** The Hon'ble Supreme Court held that a person would be able to seek redetermination of the amount of compensation payable to him provided the following conditions are satisfied:-

(i) An award has been made by the Court under Part III after the coming into force of Section 28-A;

(ii) By the said award the amount of compensation in excess of the amount awarded by the Collector under Section 11 has been allowed to the applicant in that reference;

(iii) The person moving the application under Section 28-A is interested in other land covered by the same notification under Section 4 (1) to which the said award relates;

(iv) The person moving the application did not make an application to the Collector under Section 18;

(v) The application is moved within three months from the date of the award on the basis of which the redetermination of amount of compensation is sought and

(vi) Only one application can be moved under Section 28-A for redetermination of compensation by an applicant.

In view of the above, I do not find that there is any illegality or irregularity in the order passed by the Land Acquisition Collector, which may warrant interference of this Court in exercise of its revisional jurisdiction.

Consequently, the present revision petition is dismissed.

18-07-2007 (HEMANT GUPTA)
*mohinder JUDGE